

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

STATE FARM LLOYDS	§	
	§	
V.	§	CASE NO. 4:10cv363
	§	(Judge Schneider/Judge Mazzant)
WHIRLPOOL CORPORATION, ET AL.	§	

ORDER AND ADVISORY

Before the Court is the above styled and numbered case. The Court has received Defendant's Notice of Removal (Doc. No. 1) and therefore enters the following Order and Advisory.

The Federal Rules of Civil Procedure do not require parties to replead following removal. Fed. R. Civ. P. 81(c)(2). However, the parties should note the different pleading standards in state and federal court. In particular, Federal Rule of Civil Procedure 8(b) mandates that a defending party admit or deny each allegation against it. Also, Federal Rule of Civil Procedure 9 sets forth heightened pleading requirements for certain matters.

In the interest of efficient management of its docket, the Court ORDERS the parties to replead to comply with the Federal Rules of Civil Procedure and the Court's Local Rules.¹ The Plaintiff's amended complaint is due thirty (30) days from the date of this order. Defendant's amended answer is due twenty (20) days from receipt of the amended complaint. These deadlines shall be suspended if a motion to remand is filed.

The Court also directs the parties' attention to Local Rule CV-7. While the parties should be familiar with all the Federal and Local Court Rules, the Court points to this rule specifically as it renders moot all motions urged prior to removal. Accordingly, the Court will only consider

¹The Court's Local Rules are available through the Court's website, at <http://www.txed.uscourts.gov>.

motions reurged in this Court.

It is SO ORDERED.

SIGNED this 23rd day of July, 2010.

A handwritten signature in black ink, reading "Amos Mazzant". The signature is written in a cursive style with a horizontal line underneath it.

AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE